

1

HEARING OFFICER:

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3

4

Mary Beth Wood would be  
on deck, and then the next speaker  
would be Pat Henderson.

5

Am I correct? No?

6

7

Let's see here. What's  
your name, sir?

8

MR. TITTEL:

9

I'm Jeff Tittel.

10

HEARING OFFICER:

11

Okay.

12

13

Mr. Henderson's before

you.

14

MR. TITTEL:

15

I'm sorry, no problem.

16

HEARING OFFICER:

17

18

I probably fouled up on

you. All right.

19

And let's see here.

20

21

This is Mr. Tittel? You're on, you're  
on.

22

MR. HENDERSON:

23

24

25

Thank you, good  
afternoon. My name is Patrick  
Henderson, and I serve as the Director

1 of Regulatory Affairs for the  
2 Marcellus Shale Collation.

3 Our members represent  
4 thousands of Pennsylvania employers  
5 and by extension, tens of thousands of  
6 Pennsylvania landowners who are  
7 committed to the safe development,  
8 transportation and utilization of  
9 domestic natural gas.

10 To be clear, the MSC and  
11 its member companies and the thousands  
12 of Pennsylvanians who work for these  
13 companies, support responsible, safe  
14 development of natural gas within the  
15 Delaware River Basin. To prohibit the  
16 development of this critical energy  
17 resource as the Commission seeks to do  
18 defies common sense, sound science,  
19 responsible policy making and the  
20 corporate charter and statutory  
21 authority of the Commission.

22 It is simply wrong, not  
23 authorized, and this rulemaking ought  
24 not to be adopted. The intention of  
25 any public comment and hearing process

1 is presumably to solicit and  
2 thoughtfully consider input from a  
3 wide array of stakeholders on the  
4 proposed policy and to withhold final  
5 judgement until all of the facts are  
6 in.

7 Yet, that is not what is  
8 happening here. It is clear that the  
9 majority of the Commissioners have  
10 already made up their political minds  
11 on this manner. Indeed, while the  
12 Commission staff took great pains in  
13 announcing these hearings and the  
14 public comment period to stress that  
15 no final decision or action had yet to  
16 be taken, on September 13th. A  
17 majority of the Commissioners issued a  
18 press release congratulating  
19 themselves on banning natural gas  
20 development within the watershed  
21 depriving their own citizens of their  
22 private property rights.

23 The Commission's  
24 enactment for the past eight years,  
25 which it seeks to permanently adopt

1 through this rulemaking, has inflicted  
2 significant harm upon the Commonwealth  
3 and its citizens.

1 focused on treating and recycling  
2 water. And you would find an industry  
3 that has contributed hundreds of  
4 millions of dollars to study, monitor,  
5 enhance and safeguard the water  
6 resources of Pennsylvania.

7                   When Pennsylvania's  
8 elected general assembly voted to  
9 adopt the compact in July 1961, they  
10 could not possibly have envisioned  
11 this day when the rights of the  
12 citizens of Pennsylvania and the  
13 authority of the Commonwealth would be  
14 subverted in furtherance of political  
15 objectives of a select few.

16                   Ironically, one of the  
17 core principles of the compact  
18 contained in that 1961 act, states  
19 that its purpose is to apply the  
20 principle of equal and uniform  
21 treatment of all water users without  
22 regard for established political  
23 values. The Commission's proposed  
24 actions are anything but equal or  
25 uniform and its outcome could not be